

AFFIDAVIT

1:20MJ2127

I, Paul R. Cruz, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, being duly sworn on oath, hereby deposes and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C), as a Special Agent (SA) of the Federal Bureau of Investigation (FBI). Affiant is empowered to investigate, serve warrants, and make arrests for federal offenses. *See* 18 U.S.C. § 3052.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), Cleveland Division. I have been so employed since 2010 and as such have been assigned to investigate organized criminal enterprises engaged in a variety of racketeering offenses to include drug trafficking, money laundering, document fraud and trafficking, drug violations, and other criminal offenses which have occurred in, and outside, the Northern District of Ohio. I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and various other crimes. In the course of conducting investigations, I have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses, conducting physical surveillance, consensual monitoring and recording of both telephonic and non-telephonic communications, and executing search warrants. Prior to joining the FBI, I was employed for seven years as a United States Marine Corps officer. In that capacity I was assigned to work investigations involving fraudulent enlistments, fraud against the government, adultery, vehicle accidents, Congressional inquiries, litigation claims, and other crimes under the Uniform Code of Military Justice.

3. Since this affidavit is being submitted for the limited purpose of supporting the application in this matter, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that he believes are necessary to establish the probable cause for the issuance of the warrant sought.

4. This affidavit is made in support of a criminal complaint and application for an arrest warrant for DEVON KEHOE. I have probable cause to believe DEVON KEHOE has sent interstate communications with the threat to injure in violation of 18 U.S.C § 875(c). I submit this affidavit in support of a Complaint and arrest warrant for DEVON KEHOE.

5. Unless otherwise stated, the information contained herein is based on: information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement officers and agents; information gathered from the service of subpoenas; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for a criminal complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested relief.

RELEVANT STATUTES

6. This investigation concerns alleged violations of 18 U.S.C. § 875(c) which prohibits a person from transmitting in interstate or foreign commerce any communication containing any threat [...] to injure the person of another.

INFORMATION REGARDING INSTAGRAM

7. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application (“app”) created by Instagram that allows users to access the service through a mobile device (e.g., cellular telephone). Users can also send each other messages. All of these uses employ the Internet.

8. The “Internet” is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices may be physically located in the same geographical region.

PROBABLE CAUSE

9. On June 12, 2020, I became aware of an Instagram message that had been sent from an account that had been set up in the name “[MALE NAME]” (“TARGET INSTAGRAM ACCOUNT”) to an Instagram account belonging to [VICTIM]. The message was received on or about June 5, 2020, at 9:53 pm by [VICTIM]. The message from TARGET INSTAGRAM ACCOUNT stated the following: “Yooooo, your daughter is [FEMALE NAME]?....She’s getting raped and murdered..period.....bitch...I know where you stay at in Mayfield. Your sister [FEMALE NAME2] and you and [FEMALE NAME] are done.” [VICTIM] has a daughter named [FEMALE NAME] who is less than six years old and a sister named [FEMALE NAME2].

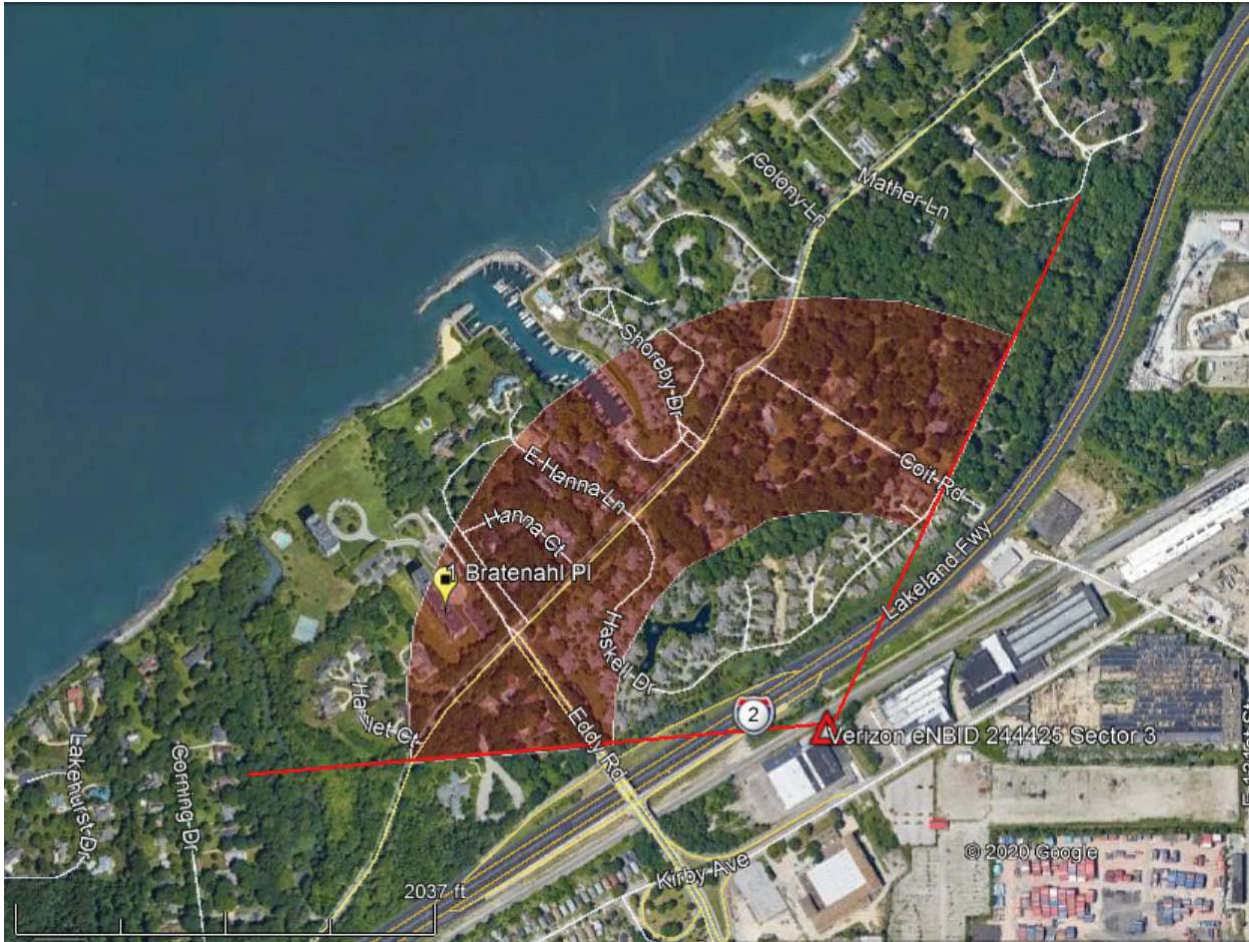
10. On June 12, 2020, Instagram provided information that IP address:

2600:1009:b048:625d:e787:f185:7224:3492 (Target IP Address) was associated with the activation of the account on June 5, 2020, at 5:37 pm.

11. On June 12, 2020, the Target IP Address was confirmed to be used by Verizon wireless. Verizon Wireless then provided the call records and cell site locations for the cellular number connected to the Target IP Address of 313-530-9160 (Target Cell Phone).

12. On the date of the purchase of the Target Cell Phone, June 1, 2020, Target Cell Phone made one call to 216-496-0543. The subscriber of 216-496-0543 is ROBERT KEHOE; father of DEVON KEHOE.

13. According to cell site information pertaining to Target Cell Phone, the Target Cell Phone was active .34 miles from a Verizon Cell Tower located in the vicinity of Kirby Avenue and Eddy Road, Bratenhanl, Ohio from June 4, 2020 until June 7, 2020 (there is no data available after June 7, 2020). Additionally, Target Cell Phone is hitting off the North Sector of the Verizon Tower. The sector map is shown below.



14. KEHOE has been on pretrial home detention at his mother's house at 1 Bratenahl Place, Apartment 302, Bratenahl, Ohio, since February 2020. That address, highlighted with the yellow marker in the image above, is approximately one-third of a mile from the Verizon Cell Tower that the Target Cell Phone hit off of at 5:37 p.m., on June 5, 2020, when the Instagram account was created and numerous times on June 5, 2020, before 9:53 pm when the threatening text message was received.

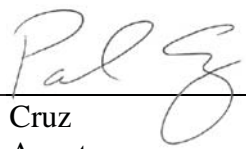
15. On June 12, 2020, I spoke with a known male with the same name as [MALE NAME]. That individual stated that he did not set up the TARGET INSTAGRAM ACCOUNT and did not make any threatening post to [VICTIM] or his sister or daughter. KEHOE and that known male were associates and messages between the two were intercepted on a prior

cinvestigation. It is my belief that KEHOE believes that the known male and [VICTIM] could potentially be witnesses against him in his pending criminal case.

16. On June 12, 2020, FBI agents interview [VICTIM]. During the interview, [VICTIM] confirmed that the threatening Instagram message was received by him on June 5, 2020, at 9:53 pm. [VICTIM] stated that KEHOE and [VICTIM] had an argument in 2018 over money in which KEHOE threatened [VICTIM] while [VICTIM] was holding [FEMALE NAME] at the time. KEHOE stated to [VICTIM] during the argument, “next time, there will be blood”.

CONCLUSION

17. Based on the foregoing, there is probable cause to believe that DEVON KEHOE has violated, among others, provisions of Title 18, United States Code, Section 875(c), in that, as demonstrated above, KEHOE, in the Northern District of Ohio and elsewhere, purposefully transmitted through interstate and foreign commerce communications including threats to injure the persons of another. Your Affiant respectfully request the attached warrant be issued authorizing the arrest of DEVON KEHOE.



Paul R. Cruz
Special Agent
Federal Bureau of Investigation

Sworn to via telephone after submission by reliable electronic means.
Fed. R. Crim. P. 3, 4(d), and 4.1, on June 15th, 2020.



DAVID A. RUIZ
UNITED STATES MAGISTRATE JUDGE

